

In re ) Fair Hearing No. 20,328  
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Appeal of )

The petitioner appeals a decision of the Department for Children and Families, Health Access Eligibility Unit (HEAU) denying his and his wife's application for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner lives with his wife and their two children. The younger child was born in February 2006. The petitioner's wife received Medicaid as a pregnant woman under the Dr. Dynasaur program until April 30, 2006. On April 24, 2006 the petitioner submitted an application for VHAP, which the Department denied on May 4, 2006.<sup>1</sup>

<sup>1</sup> The petitioner's children were found eligible for Dr. Dynasaur benefits.

is in excess of the VHAP maximum of \$3,092 for a four-person household with minor children.

3. The petitioner was advised to immediately reapply for VHAP if his household's income falls below the above monthly program maximum.

ORDER

The Department's decision is affirmed.<sup>2</sup>

REASONS

Under the VHAP regulations, all earned income, except a \$90 disregard, is included as countable income for eligibility. W.A.M. § 4001.81(b). There is no dispute that as of the dates of his application and hearing the petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a four-person family with children, which is \$3,092. P-2420 B. Thus, the Department's decision finding the petitioner and his wife ineligible for

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<sup>2</sup> The Board denied the petitioner's request to continue the matter from its meeting on August 23, 2006.

VHAP based on their April 2006 application must be affirmed.<sup>3</sup>

3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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<sup>3</sup> Under the Medicaid regulations, pregnant women are eligible for Dr. Dynasaur benefits until the end of the month following 60 days from the date they give birth. W.A.M. § 3001.21. The decision terminating the Petitioner's wife's Dr. Dynasaur benefits is not in dispute in this matter.